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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/606,252               | 06/25/2003  | Stuart Gerson        | MISS-103.2(C)       | 4494             |
| 47670                    | 7590        | 10/18/2005           | EXAMINER            |                  |
| KELLEY DRYE & WARREN LLP |             |                      | CHAN, KO HUNG       |                  |
| TWO STAMFORD PLAZA       |             |                      | ART UNIT            |                  |
| 281 TRESSER BOULEVARD    |             |                      | PAPER NUMBER        |                  |
| STAMFORD, CT 06901       |             |                      | 3632                |                  |

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,252

Applicant(s)

GERSON, STUART

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20, and 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoroufy (US patent no. 5,318,174) in view of Salrin et al (US patent no. 5,152,404) and Holt (US patent no. 2,483,051) and further in view of Creed (US patent no. 5,094,417). Zoroufy'174 discloses a rug clip for suspending a rug (Col. 2, line 65) having a channel-shaped bracket (114) with top portion and front leg and rear leg extending perpendicularly therefrom and a clip mechanism of the cam action type having an inner jaw (92, figure 6) extending from the front leg and outer jaw (80) pivotally attached to the front leg and a cam arm (106) pivotally attached to the front leg to bias the inner and outer jaws into engagement with one another. Furthermore, Zoroufy disclose that the rod 22 to which the channel-shaped bracket is mounted on can be rectangular bar (col. 3, lines 28-30). However, Zoroufy does not show a channel bracket with top portion having upper surface and bottom surface and a non-slip material on the bottom surface of the channel bracket. Salrin teaches mounting rug display brackets (28) having channel bracket having top portion (13) with upper surface and bottom surface and perpendicularly legs (22 and 24) to compliment the rectangular bar to which the bracket is mounted on and wherein Salrin also provides protective cap

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on a leg (45) made of rubber or plastic attached to the channel bracket which engages the bar to "prevent scuffing or scratching of interacting surfaces" (Col, 5, lines 50-55).

Holt'051 teaches mounting articles upon a door wherein the mounting bracket comprises a channel-shaped bracket (16, figure 3) with a top portion, front and rear legs extending generally perpendicularly there from of providing padding material on the bottom surface of the top portion as well as the front and rear legs to prevent marring. It would have been obvious to one of ordinary skill in the art to modify the channel-shaped bracket of Zoroufy such that it is adapted for mounting onto a rectangular cross-sectioned member as demonstrated by Salrin for stable mounting onto a rectangular member and to provide padding material on the bottom surface of the channel bracket to preventing marring or scuffing or scratching of the interacting surfaces as taught to be desirable by Holt and also preferred by Salrin.

However, Zoroufy, Salrin, and Holt does not disclose the padding material is of rubber to prevent slippage. Creed teaches in a hanger of having a non-slip material 27 of rubber on the bottom surface of the hanger.

It would have been obvious to one of ordinary skill in the art to have modify the rug clip assembly of Zoroufy, Salrin, and Holt combined such that the non-slip material is made of rubber as taught by Creed to prevent skidding as taught to be desirable by Creed.

Further, it would have been an obvious matter of mechanical expedient to mount the non-slip material via the convention means of adhesive as such is old and well-known. Further, it would have been an obvious matter of design choice to have the

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non-slip material to be of natural rubber, butyl, EPDM, hypalon, neoprene, and nitrile and to provide a clip of stainless steel or galvanized plain steel as such materials for non-slip material and clips are notoriously old and well-known in the art.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zoroufy (US patent no. 5,318,174) in view of Salrin et al (US patent no. 5,152,404) and Holt (US patent no. 2,483,051) and Creed (US patent no. 5,094,417) as applied to claim 19 aboved and further in view of either Cloughton (US patent no. 6,481,585) or Peacock (US patent no. 2,626,713). Zoroufy'174, Salrin, Holt, and Creed combined demonstrated all the structural features of applicant's invention except for the spring type clip. Such spring clip is old and well-known. Peacock'713 teaches a metal clip comprising a channel-shaped bracket (2, figure 2) with a top portion, front and rear legs extending generally perpendicularly there from (fig. 5) and a clip mechanism including two opposing jaws (8 and 10) pivotally secured to each other and biased by a coil spring (12). Cloughton also teaches a spring type of clip (11 and 13). It would have been obvious to one of ordinary skill in the art to substitute the clip of Zoroufy, Salrin, Holt, and Creed combined such it is of a spring type clip as taught by either Peacock or Cloughton. Such modification would have involved substituting one well-known type of clip for another.

### ***Response to Arguments***


Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
October 14, 2005